

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **VICE CHAIRMAN JIM PETERSON**, on February 19, 2003 at 3:07 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Jim Peterson, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Larry Cyr (D)
Rep. Sue Dickenson (D)
Rep. Ron Erickson (D)
Rep. George Everett (R)
Rep. Kim Gillan (D)
Rep. Christopher Harris (D)
Rep. Carol Lambert (R)
Rep. Michael Lange (R)
Rep. Rick Maedje (R)
Rep. Bruce Malcolm (R)
Rep. Brad Newman (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Larry Mitchell, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

Committee Business Summary:

Hearing & Date Posted: HB 545, 2/10/2003; HB 533,
2/10/2003; HB 626, 2/17/2003
Executive Action: HB 437, POSTPONED
HB 370, DO PASS AS AMENDED, 12-6
HB 527, DO PASS AS AMENDED, 16-2
HB 467, TABLED
HB 626, TABLED
HB 545, TABLED

HEARING ON HB 545

Opening Statement by Sponsor:

02:00 **REP. HAINES, HD 63 -- Short Title:** Statutory water
quality permit fees for suction dredge operations.

Proponents' Testimony:

07:00 Angela Janacaro, Montana Mining Association
10:00 Gary Hall, Northwest Miners Gold Prospectors
EXHIBIT (nah37a01)
12:00 Charlie Richmond
16:00 Allen McClintock
20:00 Gary Hall, Flathead County Commissioner
22:00 Ron Grammill, Gold Prospectors Association of America,
Bozeman and Lincoln Chapters
28:00 Harm Toren, Northwest Montana Gold Prospectors
28:00 Maurice Johnson, Northwest Montana Gold Prospectors
29:00 Virgil Roper, Northwest Montana Gold Prospectors
29:00 William E. Gross, Kalispell
30:00 Ted Antonoli, Missoula Chapter of the Montana Mining
Association
31:00 Trenton L. Axetell
34:00 Charles Kins, Northwest Montana Gold Prospectors

Opponents' Testimony:

34:00 John Wilson, Montana Trout Unlimited
40:00 Richard Parks, Outfitter
EXHIBIT (nah37a02)
41:00 Jeff Barber, Montana Environmental Information Center
41:00 Robert Throssell, Montana Wildlife Federation
42:00 Robin Cunningham, Fishing Outfitters Association of
Montana
43:00 Cody Ferguson, Northern Plains Resource Council

Informational Testimony:

None.

Questions from Committee Members and Responses:

43:00

Closing by Sponsor:

1:07:00

HEARING ON HB 533

Opening Statement by Sponsor:

1:16:00 **REP. STOKER, HD 59 -- Short Title:** Increase nitrate
 nonsignificance threshold for water

EXHIBIT (nah37a03)

Proponents' Testimony:

1:20:00 Michael Kakuk, Western Environmental Trade Association

1:22:00 Patrick Faber, Water Consultant, Montana Association of
 Realtors

1:35:00 Peggy Trenk, Montana Association of Realtors

EXHIBIT (nah37a04)

1:37:00 Clayton Fiscus

EXHIBIT (nah37a05)

1:44:00 Stuart Doggett, Montana Manufactured Housing and RV
 Association

1:44:00 Skee Tenneson, Big Sky Brokers

1:44:00 Byron Roberts, Montana Contractors Association

Opponents' Testimony:

1:45:00 Linda Stoll, Montana Local Health Officers

1:46:00 Jim Carlson, Missoula County

EXHIBIT (nah37a06)

1:51:00 Kathy Moore, Lewis and Clark County Health Department

EXHIBIT (nah37a07)

1:55:00 Terry Murphy, Lake County Environmental Health

EXHIBIT (nah37a08)

EXHIBIT (nah37a09)

Informational Testimony:

1:59:00 Steve Welch, Department of Environmental Quality

2:00:00 Alan Gilda

Questions from Committee Members and Responses:

2:06:00

Closing by Sponsor:

2:15:00

HEARING ON HB 626

Opening Statement by Sponsor:

2:20:00 **REP. KAUFMAN, HD 52 -- Short Title:** Short term
 lease of water for instream flow.

Proponents' Testimony:

2:24:00 John Wilson, Montana Trout Unlimited
2:28:00 Robin Cunningham, Fishing Outfitters Association of
Montana
2:30:00 Larry Peterman, Department of Fish, Wildlife and Parks

Opponents' Testimony:

2:31:00 John Bloomquist, Montana Stockgrowers Association
2:40:00 John Youngberg, Montana Farm Bureau
2:42:00 Michael Murphy, Montana Water Resources Users
Association

Informational Testimony:

2:43:00 Curt Martin, Department of Natural Resources

Questions from Committee Members and Responses:

2:45:00

Closing by Sponsor:

2:58:00

6:06 p.m. Break

6:17 p.m. Resume

EXECUTIVE ACTION ON HB 437

Motion: REP. LANGE moved that HB 437 DO PASS.

Motion: REP. LANGE moved that HB 437 BE AMENDED.

EXHIBIT(nah37a10)

EXHIBIT(nah37a11)

Discussion:

3:13:00

Motion/Vote: REP. GUTSCHE moved that HB 437 BE POSTPONED AND
THAT A GREY BILL BE PREPARED. Motion carried 10-8 with REPS.
BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, PETERSON, ROSS, and
YOUNKIN voting no by roll call vote.

EXECUTIVE ACTION ON HB 370

Motion: REP. PETERSON moved that HB 370 DO PASS.

Motion: REP. YOUNKIN moved that HB 370 BE AMENDED.

EXHIBIT(nah37a12)

Discussion:

3:33:00

Vote: Motion carried 17-1 with REP. BARRETT voting no by voice vote.

Motion/Vote: REP. GUTSCHE moved that HB 370 DO PASS AS AMENDED. Motion carried 12-6 with REPS. BARRETT, LAMBERT, MAEDJE, MALCOLM, ROSS, and SALES voting no by roll call vote.

EXECUTIVE ACTION ON HB 527

Motion: REP. MAEDJE moved that HB 527 DO PASS.

Motion: REP. HARRIS moved that HB 527 BE AMENDED.
EXHIBIT (nah37a13)

Discussion:

3:48:00

Vote: Motion carried 15-3 with REPS. BARRETT, MAEDJE, and YOUNKIN voting no by voice vote.

Motion: REP. PETERSON moved that HB 527 DO PASS AS AMENDED.

Motion/Vote: REP. MALCOLM moved that HB 527 BE AMENDED to insert on p. 7, line 3, after the word mine "or mine related facilities". Motion carried unanimously 18-0 by voice vote.

Motion/Vote: REP. PETERSON moved that HB 527 DO PASS AS AMENDED. Motion carried 16-2 with REPS. GILLAN and MAEDJE voting no by voice vote.

EXECUTIVE ACTION ON HB 467

Motion: REP. BARRETT moved that HB 467 DO PASS.

Motion/Vote: REP. BARRETT moved that HB 467 BE AMENDED. Motion carried unanimously 18-0 by voice vote.
EXHIBIT (nah37a14)

Motion: REP. YOUNKIN moved that HB 467 BE AMENDED (conceptual amendment).

Discussion:

3:48:00

Vote: Motion carried 11-7 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, PETERSON, and ROSS voting no by roll call vote.

Motion/Vote: REP. PETERSON moved that HB 467 DO PASS AS AMENDED. Motion failed 9-9 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, MALCOLM, PETERSON, ROSS, and YOUNKIN voting aye.

Motion/Vote: REP. GUTSCHE moved that HB 467 BE TABLED. Motion carried 10-8 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, MALCOLM, PETERSON, and ROSS voting no by roll call vote.

EXECUTIVE ACTION ON HB 626

Motion: REP. ERICKSON moved that HB 626 DO PASS.

Discussion:

4:21:00

Motion/Vote: REP. PETERSON moved that HB 626 BE TABLED. Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no by roll call vote.

EXECUTIVE ACTION ON HB 545

Motion: REP. LAMBERT moved that HB 545 DO PASS.

Motion/Vote: REP. SALES moved that HB 545 BE AMENDED to change "\$10" to "\$25" on lines 15 and 19, and to change "\$30" to "\$100" on lines 19 and 20. Motion carried 14-4 with REPS. BARRETT, LAMBERT, LANGE, and MALCOLM voting no by voice vote.

Discussion:

4:36:00

Motion/Vote: REP. PETERSON moved that HB 545 DO PASS AS AMENDED. Motion failed 8-10.

Motion/Vote: REP. PETERSON moved that HB 545 DO PASS AS AMENDED. Motion failed 8-10 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, PETERSON, ROSS and SALES voting aye by roll call vote.

Motion: REP. LAMBERT moved that the vote on HB 545 BE REVERSED AND TABLED without objection.

ADJOURNMENT

Adjournment: 8:04 P.M.

REP. CINDY YOUNKIN, Chairman

KATHLEEN ELY, Secretary

CY/KE

EXHIBIT (nah37aad)